

standard should be elevated. Assuming television-programming consumers must pay for their services, I believe the telecommunications industry should be deregulated, possibly to the point of removing any minimum public interest requirements. Only by deregulation will the public receive a free flow of information at the minimum possible cost. To date, two main goals of regulating these media are not being met: federal oversight is not fostering the commercial development of the industry and falls short of serving society's informational needs. What is in society's best interest is providing them with as much information as is feasible, in the most accessible format, because information is the foundation of learning and education. Once the citizens of our nation are able to tap into the vast amount of information, now possible via digital television, they will be empowered with a choice of what they desire to view and what they do not. At this transitional point in the telecommunications field, digital television has the capabilities to perform many valuable services, and Congress has the power to allow society to reap the full benefits of the digital arrival.

The Impact of Television on Society

Does television shape society or does society shape television? While many believe that television programming has a significant impact on society, the opposite also holds true. Television must be responsive to the needs and desires of society or else it is unappealing, and thus, unsuccessful. Unappealing programming is not in great public demand. If programming does not flourish, it fails to attract the much-needed revenue that keeps broadcasters in business and on society's TV sets.

With the new business opportunities provided by digital television, there exist potentially positive effects on broadcaster's earnings. In turn, these benefits can be

passed on to viewers, not only by way of new services being provided, but also by decreasing costs to the consumer. Additionally, any new service digital TV provides can supplement society's wants (for example, by data casting).

Since broadcasters are utilizing the public airwaves, they do have a special role in serving the public. They should be required, if anything, to respond to what their viewers want to see and what they need to watch. Further, programs should be convenient to access, and should meet particular consumers' specific needs. Certain programming may be more successful in one geographic location and not so prosperous in others. For instance, rural programming may significantly differ from their urban counterparts. Likewise, national broadcasters should be required to respond to the national consensus and local broadcasters should fulfill community specific needs and desires. Therefore, if any burden is to be placed on broadcasters, it should be one of responsiveness. In a competitive market, this obligation will necessarily exist, and government intervention may do more harm than good.

More Specific Regulation is Restraint

I reject the notion that society is best served by restricting its ability to receive information. In regulating the type of information conveyed over the public airwaves by digital TV technology, certain information will not reach society through this medium. If individual consumers do not receive cable, they may never receive the benefit derived from areas of restricted knowledge. Instead, society should profit from technological advances the free flow of information made available by digital TV, especially from those advances which allow broadcasters to experience gain by using public airwaves. Programming should go unrestricted, or at the very least, remain at current restriction

levels (after all, they are continuing to offer the same services as before digital TV. Part of informing is responding to what people want to know.

Even if more specific public interest standards are applied, as proposed, they may be avoided. According to the Advisory Committee's proposal, broadcasters would be allowed to pay a fee in lieu of fulfilling the public interest requirement.² Likewise, the fee could be circumvented, absent specific guidelines to the contrary, by the multicasting and meeting their public interest requirement on one or a select few of their channel streams. If standards are placed on all of a broadcaster's streams, services or programming that a particular community desires may result in restricted viewing. At the same time, broadcasting consumers may receive services that they do not want or even watch. This just appears to be a waste of the resources available with the coming of digital TV.

One chief goal of federal regulation in telecommunications is to keep the public informed. To this end, society, as a whole and within its geographical communities, should be allowed to watch what they want and need.

What Should Society Be Allowed to Watch

Consumers should be allowed to receive the signals they desire, and the ability to "black-out" programming found undesirable. This decision should be made at the household level. Several factors may shape the choices desired in determining the combination of channels the consumer will receive. One such factor is economic in nature, and rests upon a cost-benefit analysis. For each programming choice, there exists a certain dollar amount, at which purchasing the channel, the consumer will derive a

² "President's Advisory Committee on the Public Interest Obligations of Digital Television Broadcasters Report to Vice-President Gore". Dec. 18, 1998.

benefit equal to that value. In determining what the value is worth to the individual consumer, what is needed and/or desired factors in. These needs and desires are weighed against the cost in determining the programming's worth to the viewer. Finally, another major factor that may be taken into consideration is the broadcast's moral stature. If a certain program is particularly offensive to a household, it should be able to block the signal. If it is of a nature the consumer desires (and possibly if it fits the economically), they may choose to allow the signal to enter the home or purchase its access, whatever the case may be. If the particular programming is desirable only to a small group, a premium price may be necessary. Everyone should not be required to receive the signal, or purchase it, if they find it unappealing. If this programming is of the character that requires a charge, this would only help to defray costs for those who want the signal.

What Interest Is Being Promoted?

Besides the goals of promoting commercial development within the industry and ensuring information reaches the general public, what other interests does federal oversight concern? Assuming these goals are not being met adequately, there must be something else we're trying to protect. Whenever obscenity is in issue, regulation has undertones of morality. If the public interest lies in protecting society against any moral wrongs, that reasoning will not suffice. People in this society hold the power, government is for the people. Free thought in society is not at government's disposal.

What is morally correct? If morality can only be supported by religious views, the separation of church and state prohibits government regulation. Broadcasting is afforded First Amendment speech protection, unless it is obscene. And this is obscene to whom? The individual viewer should be able to decide: on a personal level.

If individuals act out some a legally unacceptable wrong, of course they should be punished. A fellow high school student of mine built pipe bombs, was caught by the police, and, in court, blamed it on the TV series McGyver. The point is, some people may not be able to handle it. Some people may not be able to cope with competition, but it should not be eliminated from society. Competition can prove very beneficial within certain spheres of conduct. We should not deprive those in society who can learn and benefit from particular information. The same holds true in television programming. Congress should not deprive certain programs of air-time when these would be beneficial to certain segments of our society, simply because some consumers are unable to understand it properly.

If viewers have an interest in their communities, their desires will be reflected in television coverage (as long as broadcasters know what people want to see). Just as people have a right to speak, they have a right to not speak. Similarly, these same people have the right to vote or abstain from doing so. If the interest in political broadcasting is significant, it should be reflected on society's screens. Further, there may be certain geographical locations where children's programming is more or less appropriate than in other areas. Whether or not these areas exist is unimportant, as long as people are able to tailor programming to meet their specific wants and requirements.

Marketplace Incentives

If the market is allowed to operate without government interference, programming must be responsive to community needs. If broadcasters are unresponsive to programming desires, they will be forced out of the industry for failure to produce revenues. People will not be watching their programs if it is not what they want to watch.

Adam Smith, often cited as the founder of economics, developed much of the theory about markets that we regard as standard today. In his main work, known as “The Wealth of Nations”, Smith argued that market forces ensure the production of the right goods and services, because producers would want to make profits by providing them. Without government intervention, competition would increase the public well-being by providing goods and services suitable to the public. With producers attempting to outsell each other, prices would be suppressed to their lowest possible levels, just enough to allow a minimal profit. If competition is insufficient, this will attract more entry into the industry by producers attempting to get these profits, thus bringing prices down. The only requirements that must be met under this economic model are (1) competition, and (2) the absence of government intervention.³

When government intervenes, they create barriers to entry of the marketplace. With fewer firms in an industry, competition is stifled to some degree. To get the full effects of Smith’s model, perfect competition must be present. Perfect competition is not a reality, but the effectiveness of the theory remains intact. The more commerce is regulated, the more competition will suffer, and also the benefits that are derived from a competitive market place. While Congress is attempting to lower the barriers of entry into the telecommunications industry on one hand, they turn around and negate their efforts. With this in mind, the public interest standard, even in its current state, acts as a barrier to entry because it is putting its hand into a competitive market that will operate without assistance. Not only should Congress refrain from making the standard more specific, it should lessen the bar if it can find a way.

³ www.bizednet.bris.ac.uk/virtual/economy

How Do Broadcasters Know What People Want

One way is to ask them. Not only would this be inefficient, due to the amount of time and resources it would consume, it may also lack something else: accuracy.

Consumers may not be as candid if they are asked in person, or if their name is in some way attached to their comments. They may feel compelled to answer in a certain manner, similar to peer pressure.

Another way, which is currently in use, is the voluntary participation, ratings system. Upon a person's consent, a box is hooked up to their television set, and a ratings arbitrator receives information concerning what the household watched over a specified period of time. The problem with this system of ratings is that people, who know the box is there, may not watch their usual programming. Additionally, since only a random sample of society is being "tested", we do not get an accurate gauge of what *specific* household's desire to watch.

I propose an alternate regime. Instead of receiving every signal that is on the airwaves, each household should have the ability to block undesirable signals. This way, each individual household can determine what comes onto their TV screen. If this is not economically or technologically feasible, I propose in the alternative, a system that monitors every single household. When the TV is turned on, a signal is transmitted to a remote transmission collection device (mechanical, not human), when data concerning the type of programming viewed and time spent on the particular signal is tabulated. Only the results, no individual names (so as to protect any privacy interest that may be involved) are then sent to the broadcaster. After all the results are combined for a given

period, broadcasters would know which types of programming are most suitable for a particular community.

Conclusion

The public interest can only be served when people are given the option to explore their own discretion. People must be empowered with the ability to decide what to watch and where they watch it. Consumers know what they want, they do not need government deciding this for them. Congress has the power to empower people with a wealth of knowledge. Until people are fully informed, it will remain difficult for them to make educated decisions. Educated decisions not only concerning choice of TV shows, but in other aspects of life as well. Congress should not elevate the public interest standard by making it more specific. Instead, with the era of digital TV upon us, and more technological advances on the horizon, they should utilize the momentous opportunity to, itself, serve the public interest and deregulate TV.

Respectfully submitted,

Dale E. Burdette

RECEIVED
MAR 23 2000
FCC MAIL ROOM

To: Magalie Roman Salas, Secretary-FCC
From: Carol Guthrie
cc: Professor Glenn H. Reynolds
Date: March 17, 2000
Re: Comments on Public Interest Obligations of
Television Broadcast Licensees

Dear Secretary Salas,

I am writing in response to the FCC's request for public comments "on how broadcast licensees can best serve the public interest as they transition to digital transmission technology." (MM Docket No. 99-360, FCC 99-390). My comments will focus on suggestions for strengthening commercial broadcaster's public interest obligations in the areas of education and community outreach. I have taught history at the college level for the past fifteen years and have witnessed first hand the ways in which advances in technology and communications have transformed teaching and learning. As an educator and third-year law student, I know that educational strategies must continue to be redesigned in order to accommodate those changes and prepare American students for life in the digital 21st century.

Specifically, I endorse several of the suggestions proposed by the Advisory Committee on Public Interest Obligations of Digital Television Broadcasters, as well as those of other commentators and educators. My comments will address three areas: 1) suggestions for strengthening public broadcasting, 2) the benefits of creating a public, noncommercial

educational analog channel, and 3) the need for reaffirming and strengthening the public interest requirement on commercial broadcasters' children's programming.

Background

Congress granted the broadcast industry a significant benefit when it gave current broadcasters free access to the digital broadband. As the Center for Media Education executive director, Jeffrey Chester, has noted this grant was the "equivalent of free beachfront property on the Information Superhighway."¹ I acknowledge that broadcasters will have to expend millions of dollars to make the shift from analog to digital, but there is no reason that broadcast networks could not compensate the American public in some small way for this grant. By requiring broadcasters to contribute to advancing educational and community interests, Congress and the FCC would not be treading on new ground. In the 1780's, the Northwest Ordinances required that proceeds from one-sixteenth of every township sold had to be used to build a public school and hire a teacher. In the 1860's, the Morrill Act provided that a percentage of every plot of public land sold be used to establish land grant colleges. Unlike these two examples, broadcasters' access to 21st century "public land" (i.e. the airwaves) was acquired for free. Thus, it seems reasonable for the public to realize some greater benefit for this grant, and what better way to serve the public trust than by having broadcasters contribute in some way to improving education and community outreach.

¹www.cme.org/press/991215pr.html

Strengthening Public Broadcasting

As the Advisory Committee on Public Interest Obligations of Digital Television Broadcasters has proposed, an effective way to strengthen education would be to assure the ongoing efforts of public broadcast networks to provide commercial-free educational and informational programming. I agree with the Advisory Committee that a trust fund should be established to help offset the costs of public television. The proposed two percent fee on the sale of broadcast and/or telecommunications properties and a two percent fee on broadcaster's gross revenues would assure that public television broadcasters have adequate resources to continue their current efforts at providing free, over-the-air quality programming. Establishing a trust fund would also make funds available for public broadcasters as they transition into digital programming. Contributing to such a trust fund seems to me a small price to pay for the enormous benefit the American public has bestowed on commercial broadcasters for their free access to the digital airwaves.

I also believe that public broadcasters should be allowed to keep control over their analog channel in addition to gaining access to a local six megahertz digital broadband. Whereas commercial broadcasters will be required to return their analog channel for some future sell-off, public broadcasters could continue using their analog channel. Alternatively, local analog channels could be turned over to local, noncommercial broadcasters who could use that broadband for community outreach, such as providing free air time to local political candidates and airing locally-produced educational and instructional programming. Ideally, public broadcasters, local educators, and civic and political leaders could join together to transform the analog channel into an integrated community service network. In any event,

the local public analog channel should not be auctioned off, but should continue to be available free to the community.

Another mechanism for strengthening public broadcasting would be to allow public broadcasters to lease a small portion of their digital band for ancillary services, such as paging. This would provide a steady stream of income to local public stations, thereby helping them to offset the costs of transitioning to digital and developing local educational, instructional, and community programming.

Creating a New Noncommercial, Educational Channel

I agree with the Advisory Committee's recommendation that one six megahertz analog channel be reserved in each viewing area for the establishment of a noncommercial educational channel. As the Committee and many other supporters of this proposal have suggested, an educational channel could be used in a number of innovative ways to further advance the public's need for continued education, instruction, and training.

Local school systems, community colleges, and universities could assume control of this channel, perhaps in conjunction with local public broadcasters. Educational grants could be established to help fund and run the channels. The programming possibilities are endless. As an educator who has taught at the community college level for ten years, I know that video courses (as well as modem/internet courses) are supplanting the traditional classroom. By having access to a public analog channel, colleges and universities could expand their video course offerings and make them available to students have been hampered in taking video courses because they do not own video cassette recorders. Furthermore, traditional classroom teachers could develop innovative ways to incorporate local analog programming

into their courses--perhaps even having a class develop an educational or instructional television program.

In fact, this area seems to me to be a fruitful way to utilize an educational channel. Students at all levels of the educational process, preschool, elementary, secondary, and post-secondary, could gain hands-on experience in broadcasting by working at and with local educational channels. Students could learn to operate broadcast equipment, thereby helping transform them into more technologically savvy citizens. Students could write and produce programs on subjects ranging from art to zoology as a class project. Students could even learn about the financial side of broadcasting by learning how to budget and manage resources.

Aside from benefitting students, local educational channels could also serve the wider public by providing instructional and educational programming that would foster lifelong learning. The digital information revolution is a fact of 21st century life and Americans must be prepared to meet the daily changes that technological innovation brings. Local educational channels could provide instructional programming designed to inform viewers of all ages about ongoing advances in computer and Internet technology. Private businesses would likely donate money to local educational channels which would agree to offer programming on such topics as computer literacy. What better way for a small business owner to upgrade the skills of his workforce than by having them turn on the local educational channel and watch a program about the latest updates to Windows?

I do acknowledge that copyright issues could possibly hamper the development of programming on public educational channels. For example, to what extent would Mr.

Smith's 11th grade American history class have property rights in its program on the life and times of Abraham Lincoln? Conversely, what kind of copyright problems would Mr. Smith's 11th grade class have in using text and pictures from in its Lincoln saga? I do, however, believe that current copyright laws provide a solution through the educational-use exceptions.

As the Advisory Committee aptly recognizes, funding for educational channels must be made available. I believe that local and regional business would be one source of funding, particularly if they could be made to see the benefits such channels could offer them in educating and training their workforce. Also, the Department of Education could provide grants to local educational channels. Finally, I agree with the Advisory Committee that the President and Congress should reconsider the decision to direct revenues from the auction of the analog spectrum and fees from ancillary and supplementary services to the General Treasury. Instead, those monies should be used to enhance the public interest in broadcasting, especially in helping to nurture and grow public educational channels.

**Strengthening the Public Interest Requirement
on Commercial Broadcasters' Children's Programming**

Aside from the aforementioned proposals for enhancing local educational, community outreach, and instructional opportunities, I also believe that the general public interest requirement currently applied to analog broadcasters must be reaffirmed, if not strengthened, for digital broadcasters. As Newton Minnow and Henry Geller have noted, not to mention the United States Supreme Court, the airwaves are owned by the public and granted to commercial broadcasters, free of charge, with the understanding that those broadcasters will

serve the public trust.² I agree with the Advisory Committee that commercial broadcasters must be encouraged to use the new digital technology in ways that would promote diversity, ensure open political discourse, and provide access to the disabled.

Specifically, I believe that commercial broadcasters should be called upon to make a renewed commitment to developing quality children's programming. Under the Children's Television Act of 1990, commercial broadcasters are required to provide three hours of children's programming per week. Obviously, that requirement should continue to apply to the digital airwaves. However, the FCC should more closely scrutinize the content of children's programming to assure that programs such as CBS's "Secrets of the Crypt-Keeper's Haunted House" and "G.I. Joe" would not alone fulfill a broadcaster's three-hour requirement.

I do not mean to demean such programs. I have a five-year-old son who (much to my chagrin) has become a "Pokemon" fanatic. I even recognize the possible educational benefits such a show offers (e.g. learning to catalogue large amounts of information about various Pokemon characters). However, I also recognize that commercial broadcasters are exploiting my son in order to sell products. That is the nature of the commercial broadcasting game and I accept it. But in return commercial broadcasters should be encouraged to improve the educational and informational quality of children's programming, and the FCC can play a role by drafting guidelines which provide more concrete descriptions of what constitutes educational and informational children's programming.

²~~see~~ Geller, "Public Interest Regulation in the Digital TV Era, 16 Cardoza Arts & Entertainment L.J. 341, and Statement of Newton N. Minnow at www.benton.org/PIAC/minowltr.html.

I acknowledge the First Amendment concerns commercial broadcasters raise when confronted with more precise content regulations. However, I disagree with the National Association of Broadcasters argument that creating more clearly defined guidelines would violate the First Amendment. Broadcasters cannot have it both ways: they can't get free access to the public airwaves while skirting their public interest obligations. The Supreme Court has concluded that the government can regulate television content if the regulation is reasonably fashioned in such a way to serve the public interest.³ I firmly believe the FCC can fashion reasonable guidelines that would result in commercial broadcasters creating programming which would more fully realize the goals of the Children's Television Act's three hour a week mandate.

Conclusion

I agree with the Advisory Committee that the transition to commercial digital broadcasting must bring with it a renewed and strengthened commitment to the public interest requirement. As a parent, educator, and student I believe that commercial broadcasters must be called upon to make better use of their free access to the digital airwaves, particularly to advance the ever more complex educational needs of American society. I am not alone, for a majority of the American public also seems to widely support "asking television broadcasters to do more in return for the free use of public airwaves."⁴ As a survey conducted for the Benton Foundation found, 79% of those polled supported a proposal requiring broadcasters to

³see Geller at 355.

⁴A Report on Findings From Focus Groups and a National Survey Conducted for the Benton Foundation, Lake Snell Perry & Associates, www.benton.org/Television/edtv.html.

contribute 5% of their profits into a Public Broadcasting Fund, while 84% of respondents favor extending the three hour children's educational programming requirement (with 55% strongly favoring). Given the widespread support for improving education and strengthening the public interest requirements of commercial broadcasters, I believe that the FCC and Congress should adopt the foregoing proposals, along with others made by the Advisory Committee.

Sincerely,

Carol Guthrie

RECEIVED

MAR 23 2000

FCC MAIL ROOM

To: Magalie Roman Salas, Secretary-Federal Communications Commission
From: John T. Dixon
CC: Professor Glenn H. Reynolds
Date: 3/17/00
Re: Comments on Public Interest Obligations and the Transition to Digital Television

Dear Secretary Salas,

I am responding to the FCC's request for public comments, 65 Fed. Reg. 4211, (January 29, 2000), and will direct my comments to the FCC's identified goal of enhancing political discourse. As a law student who contemplates serving his local government in the future, I have serious concern for the lack of political participation by the public at the local, state and national levels. In reassessing the public interest obligations of broadcasters within the setting of the digital transition, the FCC has an excellent opportunity to further its encouragement of political discourse through heightened political coverage requirements. The FCC should require broadcasters to expand their coverage of local, state, and national elections as well as require innovation in the coverage of political debates regarding central issues which figure prominently in political discourse. By doing so, the FCC would promote interest in and scrutiny of politicians and the issues which they control.

In its NOI, the FCC quoted the Supreme Court as stating that "deliberation on the positions and qualifications of candidates is integral to our system of government." 65 Fed. Reg. at 4215. The Court's assertion implies that the election process through which government officials gain their positions is patently deficient if a significant part of the

electorate fails to engage in such deliberation. Sadly, and not surprisingly, such is presently the case. Voter turnout rates for national elections are at a low point in the nation's history. In addition, almost two-thirds of Americans do not trust the government, and almost three-quarters of Americans state that politics is too complicated. (National Election Studies, www.umich.edu). These statistics suggest that most Americans are not participating in the political process of choosing leaders, and what is worse, are not engaged by the political issues that surround elections.

As the University of Southern California Annenberg School for Communication study shows, local news coverage of the California gubernatorial election constitutes less than 1% of local news in that state. Additionally, evidence indicates that 25% of stations provide no local news or coverage of public affairs.(65 Fed. Reg. at 4216). These numbers partially explain the political malaise that plagues the public. Certainly, stations give local and state public affairs news little coverage because few people watch the programming. The FCC states, however, that public service remains a "touchstone" among the goals of broadcast communication and that broadcasters assume a significant duty to serve the public interest when they take control of airwaves. The situation is ripe for the FCC to place the statutory burden squarely on broadcasters to foster attention to the political process.

The FCC should begin by requiring more time for political coverage. The Advisory Committee's proposal of five minute coverage each night between 5:00 p.m. and 11:35 p.m. for "candidate centered discourse" during the thirty days before an election seems like a good start. Former FCC General Counsel Henry Geller's proposal, however, looks much better in that it contemplates longer spots, 15 to 20 minutes, for

candidate speeches and response to issues each night during the month before an election. In order for expanded coverage of elections and issue debate to effect increased political discourse, the coverage must take the form (that is, more time) through which members of the media can force politicians to answer specific questions directly. With additional time on a daily basis, media personnel will have the opportunity, and should have an FCC-imposed duty, to elicit answers from politicians that at least approach a clearly discernible meaning. Now, the media fosters “sound-bite” responses from politicians to the degree that their formulation has moved from the repetition of a fortuitously phrased quip to an art form the cultivation of which dominates a large part of a candidate’s election strategy. Many people, myself included, do not tune in to a candidate’s message when that message is so short so as not really to say anything.

Certainly, the media, simply by throwing more time at elections, will not improve the quality of political discourse as it is practiced by shrewd politicians. Further, many contradictions are documented on Sunday morning political talk shows and of course the daily newspaper. But as the FCC notes, television remains the most dominate medium through which people and especially young people get their information. I once watched Tim Russert ask White House Chief of Staff John Podesta if President Clinton accepted that his fine imposed by a federal district court judge was a correct decision. Podesta responded repeatedly that President Clinton would pay the fine and was happy that the matter was over. Russert asked him whether Clinton thought that he should have been fined by the judge or whether the judge made a mistake. Podesta flatly refused to endorse either conclusion even though both are mutually exclusive and one or the other necessarily follows from a contemplation of the efficacy of the judge’s decision. These

types of exchanges frustrate onlookers and encourage them not to tune next week.

Russert can only do so much in 30 minutes a week, especially in the setting of a polite discussion between himself and a high ranking official in the President's cabinet.

Consequently, the setting of political coverage must change in conjunction with increased time requirements. That change should center on more requirements for debate coverage and the expanded use of forums for politicians even without the setting of an impending election. Live debate fosters candid discourse- the necessity for increased attention to politics. The series of debates during the presidential primaries ranked around 150th in the Nielsen ratings in January. ("Debates Little-Seen, but Influential," Richard L. Berke, January 19, 2000, www.nytimes.com). Nevertheless, the debates spawned dramatically increased awareness about the election and the campaigns. The Harvard University poll found that twice as many Americans had heard or seen something about the campaigns compared to the week before the first round of debates.(Berke. "Debates"). More importantly, the debates forced candidates both to bring substance to their ideas and principles and to face the consequences. For instance, on January 5th, Vice-President Gore answered a question regarding gays in the military during a debate by asserting that he "would insist before appointing anybody to the Joint Chiefs of Staff, that that individual support [his] policy[allowing gays to serve openly], and yes, [he] would make that a requirement."(Berke. "Debates") Two days later, Vice-President Gore admitted that he really would not implement that requirement in an appointment to the Joint Chiefs of Staff. (Berke. "Debates"). The debate created a situation in which Vice-President Gore carried his espoused ideas to a logical conclusion and then was given an opportunity to maintain his position or admit a lack of credibility. Although the record of

Gore's flip-flop remains, how much more powerful would it have been if the frequency of debates and political coverage forced Gore to revisit his statement in the same setting in which it was made rather than retracting his position off screen within the print media.

Former FCC General Counsel Geller's proposal would be a good beginning step in the direction of placing such candid political discourse in the lime light and thus encouraging the public to embrace political discussion as it takes on the more tangible form of position-taking and retracting all on television- preferably during prime-time. Certainly, any serious increase in political coverage will be aesthetically displeasing to some portion of the population. Doubtless, repeated debates and coverage of political issues could easily tire one who is accustomed to one no-brain sitcom after another- myself included. But if substantive, meaningful political coverage greets young people (adolescents, 12-18) on a regular basis in the evenings- early enough that they are not already asleep or doing something else- then perhaps the next generation might come of age with the habit of concerning themselves with critical issues that face the country as a whole. Further, they might translate that concern into holding their politicians more accountable.

The idea of routine evening coverage of political issues goes beyond Mr. Geller's proposal. In order to promote meaningful and lasting discourse about politicians and political issues, broadcasters must maintain attention on the everyday occurrences of government after the big election. The FCC should go Mr. Geller one better and mandate that broadcasters come up with innovative ways to bring candid political debate between the major political parties on the whole range of issues that fuel the political process and the everyday administration of the government. When the nightly news reports that the

Clinton administration and the Congress are in a deadlock over the budget and a federal government shut-down is in the offing, why not provide incentive to broadcasters to invite the president and the majority leader to have a sit-down on prime-time television to talk candidly about their differences. The president and his counterpart would then have an opportunity to state directly their views on allocations for social security, paying down the debt, and the defense budget. If they appeared less than candid, perhaps moderators could pose questions concerning specific allocations and other budgetary decisions.

Additionally, the FCC could encourage broadcasters to create and extend coverage of political discourse beyond that directly surrounding the president. Anytime there is a contentious vote in the House of Representatives or the Senate, broadcasters could provide a forum in which members of Congress could voice the bases for their decisions to vote yes or no. Such forums would provide an invaluable opportunity for freshmen members of Congress to get out their message, challenge their own party's hierarchy, and assert their legislative *raison d'être*. Additionally, anytime a member of Congress appeared on such a forum in prime-time, the state from which he or she hailed would certainly have cause for heightened interest. When Senator Fred Thompson of Tennessee gave the Republican Response to President Clinton's State of the Union address to Congress several years ago, I was much more interested not only in what he had to say but the President's speech in general and the issues that each of them raised. In short, in order to enhance political discourse, the FCC must require broadcasters to spend more time on the political process both during elections and in the interim and must require broadcasters to create more innovative and effective ways to formulate political coverage.

CONCLUSION

To sum up, broadcasters presently provide coverage of politics and public affairs the quantity and quality of which is wholly deficient. This deficiency results both in an uninformed and uninvolved electorate and a government of politicians who are left unaccountable for their positions and decisions. In reevaluating the public interest obligations of broadcasters during the transition to digital television, the FCC should take significant measures to require broadcasters to improve dramatically their coverage of the political process. The FCC should devise rules that require broadcasters to create forums conducive to more candid political discussion among politicians such as debates and issue-specific interviews. The FCC should require broadcasters to provide these improved forums more frequently, at more significant times (early prime-time), and in settings beyond presidential elections such as Congressional debate and interaction between Congress and the President. While these objectives are far-reaching and ambitious, anything short of initiatives of this sort will accomplish too little. Thank you for your consideration.

Cordially,

A handwritten signature in black ink, appearing to read "John T. Dixon", written in a cursive style.

John T. Dixon

RECEIVED

MAR 23 2000

REGINA M. LAMBERT

1161 Edenbridge Way * Knoxville, TN 37923 * 423-769-5605 * LambertRM@att.net

FCC MAIL ROOM

March 17, 2000

William E. Kennard
Chairman
Federal Communications Commission
445 12th Street SW
Room TW-A306
Washington, DC 20554

Re: Public Interest Obligations of Television Broadcast Licensees
47 C.F.R. Part 73
MM Docket No. 99-360
FCC 99-390

INTRODUCTION AND BACKGROUND

I am a law student at the University of Tennessee College of Law in Knoxville, Tennessee. In conjunction with an Administrative Law class in which I am enrolled, I am writing to comment on your solicitation regarding how broadcasters can best serve the public interest as they transition to digital transmission technology. Specifically, I address the topic of voluntary self-regulation of a public interest standard. While the public should ultimately benefit from the transition to digital television, it would be premature to determine mandated regulations prior to the completed transition to digital. The technological and economic uncertainties that are associated with the transition from analog to digital support implementation of flexible and voluntary self-regulations joined by economic incentives.